

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 68 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

M/S.PARSOTAM REVANDAS & SONS

Versus

STATE OF GUJARAT

Appearance:

MR DUSHYANT A DAVE for Petitioners

MR PS PATEL for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 15/10/96

ORAL JUDGMENT

Heard learned counsel for the parties. The petitioner has challenged by this Special Civil Application, the notices annexures 'F' and 'G' dated 26.11.84 and 23.12.85 respectively. Under the notice annexure 'F', demand of royalty has been made and it has been mentioned that in case the amount is not paid, the non payment thereof would lead to cancellation of lease and recovery of said amount together with interest at the

rate of 24%

2. The learned counsel for the petitioner made only contention that this demand of the amount under the aforesaid notices are in pursuance of notification dated 1974-75 which has been declared to be ultra-vires and as such, the demand is illegal. I do not find any substance in this contention made by the learned counsel for the petitioner. There is nothing on record to show that these two notices were issued in accordance with the notification made in the year 1974. This contention of the counsel for the petitioner is therefore devoid of any substance. No other point has been raised. In the result, this Special Civil Application fails and the same is dismissed. However it shall be open to the petitioner to make a representation to the respondent that the demand made under these notices are not recoverable from it and if any such representation is made it is expected of the authority to decide the same in accordance with law with a reasonable period. Rule discharged. No order as to costs.

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(sunil)